



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 10, 2011

Ms. Anita Betancourt

REDACTED

FPPC No. 10/1031; Anita Betancourt, Respondent(s) –Found No Violation

Dear Ms. Betancourt:

The Fair Political Practices Commission (the “FPPC”) enforces the provisions of the Political Reform Act (the “Act”),¹ found in Government Code section 81000, et seq. This letter is in response to a pro-active investigation begun by the FPPC.

On your 2009 Annual Statement of Economic Interests (Form 700), you reported receiving a scholarship to attend the “National Childhood Obesity Prevention Summit” valued at \$780 from the Leadership for Healthy Communities.

The Act establishes a limit on the amount of gifts a public official may receive in a calendar year from a single source. (Section 89503.) In 2009, that gift limit was \$420. Under the Act’s limit on gifts provisions, certain exceptions apply. Once such exception is gifts of travel received by a governmental entity or by a charity. Specifically, Regulation 18950.1(b) provides that any payment made for travel, including actual transportation and related lodging and subsistence, is not subject to the prohibitions or limitations on gifts if:

- (1) The travel is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy; and
- (2) The payment is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution defined in Section 203 of the Revenue and Taxation Code, or by a nonprofit

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

Although the payment for travel is not subject to the limits or prohibitions on the receipt of gifts, those payments are nevertheless reportable on a statement of economic interests. (Regulation 18950.1(b)(2).)

The Enforcement Division has concluded its investigation in this matter. The donor of your gift of travel to attend the Leadership for Healthy Communities confirmed that it is a 501(c)(3) nonprofit organization. The gift of travel you received to attend the summit is not subject to the gift limit, but just as you have done, it is reportable on your statement of economic interests.

If you should receive a gift of travel and accommodations from a bona fide 501(c)(3) charitable organization, the Form 700 gift schedule has been updated to include a section to reflect that the donor of a gift is a 501(c)(3) charitable organization. That revision to the form should prevent such inquiries like this in the future.

Since there is no violation of the Political Reform Act, we have closed our file on this matter. Please feel free to contact us at (916) 322-6090 if you have any questions regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt